IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.36771 of 2007

Three Roses Manamagizh Mandram,
Rep. No.185/2007,
Konanoore Village, Pochampalli Post & Taluk,
Krishnagiri District, Rep. by its Secretary,
G.Murugan. .. Petitioner.

Versus

1.The Superintendent of Police,
Krishnagiri District, Krishnagiri.

2.The Inspector of Police,
Pochampalli Police Station,
Krishnagiri District. .. Respondents.

Prayer: This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents from arbitrarily and high handedly invoking the penal provisions of the Tamil Nadu Gaming (Act III of 1930) to prevent the petitioner society from peacefully function the society such as playing cards (Rummy), Carom, Chess.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.N.Senthil Kumar
Government Advocate

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O R D E R

Mr.N.Senthil Kumar, the learned Government Advocate takes notice for the respondents.

2. With the consent of the learned counsels appearing on either side, the writ petition itself is taken up for final disposal.

3. The petitioner has come before this Court stating that the respondents are interfering with the activities of the petitioner mandram without following the due procedure established by law.

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The petitioner mandram, with about 1000 members, is carrying on activities for recreation of the members and conducting games of skill, including both outdoor and indoor games.

4. At this stage of hearing of the writ petition, it is pointed out by the learned counsel appearing for the respondents that similar issues have been decided by this Court in a number of writ petitions, including the one in W.P.No.43850 of 2006, dated 26.4.2007, wherein it has been stated as follows:

> "3.The very issue as to whether a particular game is a game of skill or chance has already been decided by the Division Bench's of this Court as well as by the Hon'ble Supreme Court. In fact, a Division bench of Madurai Bench of Madras High court, while dealing with a similar matter in MANORANJITHAM MANAMYIL MANDRAM, REPRESENTED BY ITS PRESIDENT, T.RAMU, TRICHY-VS- THE STATE OF TAMIL NADU REPRESENTED BY DIRECTOR GENERAL OF POLICE, CHENNAI AND OTHERS' (2005 M.L.J. (CRL.) 516), held in para 5 as follows:-
>
> > "5..... Therefore, while it is the right of the appellant to have recreational activities which are not prohibited, the respondents' right to take appropriate proceedings against illegal games of betting, wagering, etc. is also provided for under the Act. Therefore, there cannot be a blanket direction as prayed for by the appellant. The question whether a particular game is a game of skill or chance is to be decided on the facts and circumstances of each case. As and when proceedings are initiated against the appellant in accordance with law, the appellant shall always have the right to question the same or challenge the action of the respondents if it is not in accordance with law....."

5. The learned counsel appearing for the respondents had submitted that the respondents would take necessary steps in interfering with the activities of the petitioner mandram only in accordance with law and not otherwise and it would be open to the petitioner to challenge the same, if so advised.

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6. Recording the submission made by the learned counsel appearing for the respondents, this writ petition is disposed of accordingly. No costs.

Csh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Superintendent of Police,
Krishnagiri District, Krishnagiri.

2.The Inspector of Police,
Pochampalli Police Station,
Krishnagiri District.

+ 1 cc to Mr. D. Dayalan, Advocate SR No. 73279
+ 1 cc to the Government Pleader, SR No.73590

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